

Message

From: Thomas Jodoin [TJODOIN@helenamt.gov]
Sent: 12/14/2020 6:07:33 PM
To: Hanson, Robyn [Hanson.Robyn@epa.gov]; Matthew Culpo [MCULPO@helenamt.gov]; Mark Fitzwater [mfitzwater@helenamt.gov]
CC: Llamozas, Emilio [Llamozas.Emilio@epa.gov]; Garcia, Al [garcia.al@epa.gov]; Ryan Leland [RLELAND@helenamt.gov]; Erik Coate [ECOATE@helenamt.gov]
Subject: RE: City of Helena: Proposed AOC with EPA Regarding CWA Pretreatment Program

Tomorrow, 12/15 at 1030 works best. Thank you for your quick response!

From: Hanson, Robyn <Hanson.Robyn@epa.gov>
Sent: Monday, December 14, 2020 10:54 AM
To: Thomas Jodoin <TJODOIN@helenamt.gov>; Matthew Culpo <MCULPO@helenamt.gov>; Mark Fitzwater <mfitzwater@helenamt.gov>
Cc: Llamozas, Emilio <Llamozas.Emilio@epa.gov>; Garcia, Al <garcia.al@epa.gov>; Ryan Leland <RLELAND@helenamt.gov>; Erik Coate <ECOATE@helenamt.gov>
Subject: RE: City of Helena: Proposed AOC with EPA Regarding CWA Pretreatment Program

Hi Thomas,

Thank you for getting back to us and letting us know about the personnel changes and other challenges. I would be glad to have a discussion with you this week to further explain the AOC and subsequent potential settlement process.

Let me know which of the following times is best for you, and I will send you a scheduling notice for the chosen time.

Tuesday, 12/15, at 10:30 a.m.
Tuesday, 12/15, at 1:30 p.m.
Wednesday, 12/16, at 1:00 p.m.
Thursday, 12/17, at 11:00 am
Thursday, 12/17, at 1:00 pm

-Robyn

Robyn Hanson Emeson
Senior Assistant Regional Counsel
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Office: (303) 312-6485 | Hanson.Robyn@epa.gov

402.0044.2020_HelenaWWTP

From: Thomas Jodoin <TJODOIN@helenamt.gov>
Sent: Monday, December 14, 2020 10:37 AM
To: Hanson, Robyn <Hanson.Robyn@epa.gov>; Matthew Culpo <MCULPO@helenamt.gov>; Mark Fitzwater <mfitzwater@helenamt.gov>
Cc: Llamozas, Emilio <Llamozas.Emilio@epa.gov>; Garcia, Al <garcia.al@epa.gov>; Ryan Leland <RLELAND@helenamt.gov>; Erik Coate <ECOATE@helenamt.gov>
Subject: RE: City of Helena: Proposed AOC with EPA Regarding CWA Pretreatment Program

Hi Robyn,

Thank you for checking in on the status of the AOC review and being available to answer questions. Given current resources and pandemic responses the City of Helena does need more time to review and coordinate its reply. Ryan Leland, Public Works Director is your primary point of contact. Mr. Hauck is no longer employed with the City of Helena.

Would you be available sometime this week for a quick phone call so I can gain a better understanding of the AOC and the subsequent process? I think that would help the City of Helena proceed more expeditiously and get you an idea of when settlement discussions would resume.

From: Hanson, Robyn <Hanson.Robyn@epa.gov>
Sent: Wednesday, December 9, 2020 3:49 PM
To: Matthew Culpo <MCULPO@helenamt.gov>; Mark Fitzwater <mfitzwater@helenamt.gov>; Phil Hauck <PHAUCK@helenamt.gov>; Thomas Jodoin <TJODOIN@helenamt.gov>
Cc: Llamozas, Emilio <Llamozas.Emilio@epa.gov>; Garcia, Al <garcia.al@epa.gov>; Ryan Leland <RLELAND@helenamt.gov>
Subject: RE: City of Helena: Proposed AOC with EPA Regarding CWA Pretreatment Program

Matt, Mark, Phil, and Thomas,

I hope that this email finds everyone well. I am writing to confirm that you received my November 25th email, which attached our proposed AOC for the City of Helena's consideration.

I received an automated reply from Phil Hauck on the 25th that suggested he lacked access to his City email account at that time and directed Ryan Leland as an alternative contact. I am unclear if Phil's reply was temporary or permanent. I am CC'ing Ryan to this email in anticipation that I may again receive the same automated reply from Phil. (Ryan, if you need me to forward the attachment to my below email from November 25th for your attention, please let me know).

We remain available should the City of Helena have any initial questions on the proposed AOC. That said, we certainly understand that the City may need more time to review the proposal and coordinate its reply.

Please confirm receipt of the proposed AOC. To the extent that you are able, we would also appreciate your best estimate of when the City might be ready to resume our settlement discussions, for planning purposes.

Thanks,
Robyn

Robyn Hanson Emeson
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From: Hanson, Robyn
Sent: Wednesday, November 25, 2020 1:23 PM
To: Matthew Culpo <MCULPO@helenamt.gov>; Mark Fitzwater <mfitzwater@helenamt.gov>; Phil Hauck <PHAUCK@helenamt.gov>; Thomas Jodoin <TJODOIN@helenamt.gov>

Cc: Llamozas, Emilio <Llamozas.Emilio@epa.gov>; Garcia, Al <garcia.al@epa.gov>

Subject: City of Helena: Proposed AOC with EPA Regarding CWA Pretreatment Program

Matt, Mark, Phil, and Thomas:

As we discussed during our Letter of Violation conference a few months ago now, EPA is proposing that the parties enter into an Agreed Order on Consent (AOC) as the first step in a settlement process to cooperatively resolve EPA's allegations that the City has violated and, in some cases, continues to violate the Clean Water Act based on pretreatment program noncompliance.

As previously explained, the AOC does not require the City to admit liability for the violations alleged. In the "Consent Order" section, the AOC does contain commitments for actions that the City will take, along with enforceable deadlines. The attached AOC proposal incorporates updates based on emails that the parties have exchanged since the date of our last conference.

At a later point in our negotiations, we will propose an appropriate administrative penalty as the second component of our potential settlement.

We look forward to receiving the City's response to this proposed AOC. After you have had the opportunity to review its terms, please let us know if you would like to set up another videoconference to discuss anything. You may also return a redline version of the document to us. You will note that the document has a few highlighted placeholders for signatory and email recipient information that we will need from the City.

Please let me know if you have any immediate questions. Otherwise, we will check in with you in a few weeks. I hope everyone has a safe and Happy Thanksgiving!

-Robyn

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